

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20054**

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Connecticut Department of Public	)	RM No. 9258
Utility Control Petition for Rulemaking to	)	
Amend the Commission's Rule	)	
Prohibiting Technology-Specific or Service-	)	
Specific Area Code Overlays	)	
	)	
Massachusetts Department of	)	NSD File No. L-99-17
Telecommunications and Energy Petition	)	
For Waiver to Implement a Technology-	)	
Specific Overlay in the 508, 617, 781, and	)	
978 Area Codes	)	
	)	
California Public Utilities Commission	)	NSD File No. L-99-36
and the People of the State of California	)	
Petition for Waiver to Implement a	)	
Technology-Specific or Service-Specific	)	
Area-Code	)	

**REPLY**

The National Exchange Carrier Association, Inc. (NECA) submits this Reply to comments in response to the Federal Communications Commission's (FCC or Commission) *Notice of Proposed Rulemaking*.<sup>1</sup>

The Commission seeks comment on cost recovery issues related to thousands-block number pooling (NP), a mechanism that is dependent on local number portability (LNP)

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<sup>1</sup> Numbering Resource Optimization, Connecticut Department of Public Utility Control Petition for Rulemaking to Amend the Commission's Rule Prohibiting Technology-Specific or Service-Specific Area Code Overlays, Massachusetts Department of Telecommunications and Energy Petition For Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area Codes, California Public Utilities Commission and the People of the State of California Petition for Waiver to Implement a Technology-Specific or Service-Specific Area-Code, CC Docket No. 99-200, RM No. 9258, NSD File No. L-99-17, and NSD File No. L-99-36, *Notice of Proposed Rulemaking*, FCC 99-122 (June 2, 1999) (*Notice of Proposed Rulemaking* or *NPRM*).

architecture.<sup>2</sup> Comments submitted by the United States Telephone Association (USTA), the National Telephone Cooperative Association (NTCA), and the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) urge the Commission to adopt a mechanism that provides cost recovery methods for all carriers that incur NP costs.<sup>3</sup> NECA supports the Commission's recommendation that all carrier-specific costs directly related to NP be recovered through existing interstate cost recovery mechanisms.<sup>4</sup> As NECA explains, such a mechanism would allow rate-of-return carriers to assign these costs to the interstate jurisdiction, and recover them through interstate access charges.<sup>5</sup>

AT&T, MCI and Qwest argue that incumbent local exchange carriers (ILECs) should not be allowed to recover NP costs through interstate access rates.<sup>6</sup> AT&T believes recovery through access charges will force interexchange carriers to pay twice.<sup>7</sup> MCI asserts that such recovery would be inappropriate and unlawful,<sup>8</sup> while Qwest argues that such recovery would not be "competitively neutral."<sup>9</sup> Recovery via interstate access charges is completely consistent with

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<sup>2</sup> As NECA explained in its comments, the Commission proposes that shared industry costs, such as North American Numbering Plan (NANP) administrative costs and enhancements to the existing number portability databases, be allocated among all telecommunications carriers in proportion to each carrier's intrastate, interstate, and international end-user telecommunications revenues. Carriers would treat their respective portions of shared industry costs as carrier-specific costs of NP. The Commission also proposes that all carrier-specific costs directly related to NP be recovered through the existing cost recovery mechanisms of rate-of-return (ROR) or price-cap regulation adjustments. Such a mechanism would allow ROR carriers to assign these costs to the interstate jurisdiction, and recover them through interstate access charges. *See* NECA Comments at 2 and *NPRM* at ¶ 197, ¶ 201, and ¶ 203.

<sup>3</sup> *See* USTA Comments at 11, NTCA Comments at 5, and OPASTCO Comments at 6.

<sup>4</sup> *See* NECA Comments at 2.

<sup>5</sup> *Id.*

<sup>6</sup> *See* AT&T Comments at 57-58, MCI Worldcom (MCI) Comments at 55-56 and Qwest Comments at 12.

<sup>7</sup> *See* AT&T Comments at 57.

<sup>8</sup> *See* MCI Comments at 56.

<sup>9</sup> *See* Qwest Comments at 12.

the Commission's finding that such costs are wholly interstate.<sup>10</sup> Since end-user customers of non-LNP capable carriers do not receive the benefits of NP, recovery through end-user charges is not an acceptable alternative.<sup>11</sup> Additionally, since the majority of non-NP providing ILECs are small, rural carriers, who are experiencing little, if any competition, there is little chance that a NP interstate access charge cost recovery mechanism would unfairly burden the competitive position of interexchange carriers or other classes of customers.

In the event the Commission decides to pursue a NP mechanism, it must ensure that all carriers, including non-NP capable ILECs, can recover their NP related costs.<sup>12</sup> As NECA advocated in its comments, the Commission should adopt its proposal to allow carriers to recover their ongoing NP costs through existing cost recovery mechanisms.

Respectfully submitted,

August 30, 1999

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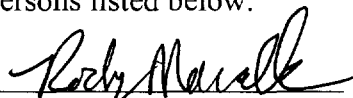
<sup>10</sup> See for example *NPRM* at ¶ 193 ("Because we conclude that . . . number pooling is a numbering administration function, we tentatively conclude that section 251(e)(2) authorizes the Commission to provide the distribution and recovery mechanism for both intrastate and interstate costs of number pooling.") and ¶ 194 ("We tentatively conclude that an exclusively federal recovery mechanism for number pooling will enable the Commission to satisfy most directly its competitively neutral mandate. . .")

<sup>11</sup> See *NPRM* at ¶ 204. See also Telephone Number Portability, CC Docket No. 95-116, *Third Report and Order*, 13 FCC Rcd 11701 (1998) at ¶ 142.

<sup>12</sup> Additionally, the Commission should immediately address the need for an LNP recovery mechanism for non-LNP capable ILECs, which is the subject of a pending *Petition for Expedited Interim Waiver*, CC Docket No. 995-116 (Mar. 19, 1999) filed by NTCA, OPASTCO, National Rural Telecom Association, NECA and USTA.

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I hereby certify that copy of the Comments was served this 30th day of August 1999, by electronic filing, hand delivery or first class mail, to the persons listed below.

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